ORDINANCE OF THE TOWNSHIP OF IRVINGTON, NEW JERSEY

No. MC 3860 Effective Date APR 15 2024 Dated MAR. 25, 2024

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY _____
Legislative Research Officer

COUNCIL MEMBER BROWN *presents the following Ordinance* SECONDED HUDLEY

TOWNSHIP OF IRVINGTON MUNICIPAL CODE 460-24A
CHILDHOOD LEAD PREVENTION, LEAD HAZARDS EVALUATION AND ABATEMENT

(a) The use of lead-based paint or presence of lead-based paint hazards is hereby prohibited in the Township of Irvington. Any person responsible for applying lead-based paint or whose property contain lead-based paint hazards shall be subject to a fine and remediation of the condition.

(b) When it has been determined that expedited (within 3 business days) a child has an elevated blood lead level, the child's primary address, secondary address, previous primary address, and relocation address shall be inspected by a Lead Inspector / Risk Assessor assigned by the Township of Irvington to conduct an environmental intervention. The environmental intervention includes a hazard assessment and inspection of the dwelling and common areas during which the Lead Inspector / Risk Inspector may determine the presence of lead hazards including lead-based paint, lead dust and lead soil hazards. **A lead-based hazard shall be determined by testing the location and the presence of elevated blood lead levels in children.**

(c) The property owner shall ensure that access to the property is provided to the Township of Irvington Lead Inspector / Risk Assessor for the purpose of conducting an environmental intervention.

(d) When any lead hazard exists, the Lead Inspector / Risk Assessor shall order the property owner, or owner's agent, to be responsible for the abatement of all lead hazards.

1. The property owner is responsible for all costs associated with the abatement of lead hazards, the relocation of tenants, the protection of tenant belongings, and prohibition of tenant access to the lead hazards.
2. The owner, or the owner's agent, if the owner cannot be contacted, of a property found to have lead hazards in violation of this chapter shall be responsible for performing, or arranging for, abatement and/or interim controls of the lead hazards, and the expenses associated therewith, including removal of the hazards, disposal of waste products, protection or relocation of dwelling occupants, if required, and ongoing maintenance of any remaining lead-based paint.
3. In cases where a lead hazard condition poses an immediate risk of continuing exposure for children, the property owner shall relocate occupants immediately (within 24 hours) upon receipt of the determination made by the local board of health to comparable lead safe housing until the completion of abatement and/or interim controls work.
   i. In cases where a lead hazard condition poses an immediate risk of continuing exposure for children, and the housing unit is a rental, the requirements set forth at N.J.S.A. 52:27D-437.8 for relocation determination and assistance shall apply.
4. If the property owner fails to perform any of these responsibilities, the local board of health shall perform, or arrange for the performance of, the required activities, and shall after Notice of Intent and a 5 day period to cure, bill the property owner for the expenses incurred in abating the conditions.

(e) The property owner shall comply with the following owner's responsibilities and respective compliance criteria:

OWNER'S RESPONSIBILITY	COMPLIANCE CRITERIA
Submission of scope of work to the	Within 30 days from the date of
local board of health	notice of violation identifying the
lead hazards	
Secure financial resources	Within 45 days from the date of
notice of violation identifying the	
lead hazards	
Perform clearance testing	From an independent certified risk
assessor no sooner than one hour after	
the final cleaning is completed	
pursuant to 5:17-9.1(a), and	
within 30 calendar days from the final	
cleaning pursuant to N.J.A.C.	
8:51-8.2(a). Abatement of lead hazards	Within 60 days from the date of notice of violation
pursuant to N.J.A.C. 5:17	

1. The owner of the property is not responsible for the abatement and/or interim controls of non-paint lead hazards that are not normally under the control of the owner, such as hazards created by the personal effects or practices of tenants of the property.
2. The property owner is responsible for the abatement and/or interim controls of non-paint hazards that are under his or her control, including, but not limited to, lead solder in plumbing.

(f) Any person who violates any provision of this chapter or who refuses to comply with an order or a directive of the Township of Irvington, shall be liable for penalties set forth by the Township of Irvington as a fine of $5000 for each offense. For every day the offense is not abated an additional fine of $250 per day shall be assessed

5. Failure to pay costs associated with abating any conditions (lead related) within the calendar year in which it is performed shall result in a lien via special charge outlined in MC Chapter 460-61.

RECORD OF COUNCIL VOTE

X = *Indicates Vote* N.V. = *No Vote* A.B. = *Absent* X.O.R.= *Indicates Vote to Override Veto*

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BROWN	X				HUDLEY, 1ST VICE PRESIDENT	X			
COX	X				VICK	X			
EVANS	X				BEASLEY, PRESIDENT	X			
FREDERIC, 2ND VICE PRESIDENT	X								

Ordinance on First Reading Date MAR 1 1 2024 **Council Adopted on Second Reading Date** MAR 2 5 2024

MAYOR _____ **Date** 3/26/24 **Approved** X **Rejected** _____

Reconsidered by Council - Override Yes _____ No _____ Date of Override _____

COUNCIL PRESIDENT Camillah Z. Beasley

I hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK Shawna M. Lepel **DATE** 3/26/2024